A Collection

App. F. IX-4

Previous References

Reforms -72-23-1

1937. (Legs)

File No. 15-37

Serial Nos. 1-3.

Letter References

PRESERVED

(26)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three only

A

Part ~~B~~ for Jany '38

SUBJECT.

Proclamation designating "Regulations" as "Acts"

K. 1)

No P3052 Legs
To Mr Comptler.

WD 0295—GPB—22,500—18-8-37

No P 3050 8 11. 5. 38
Notification taken.

Mr. A. Affy
8/5/38

Serial No.

Drummond's orders on the "Madras Mail" of 27-6-37 in regard to the news about the proclamation issued by H. E. the Governor of Madras that all enactments styled Regulations shall be called Acts.

1) See 2.c — Is there anything in this?

Ind. Jr. Jr. 9 - 29-6-37

2) Acts denote Acts of Parliament. In the United Kingdom, British India and most other countries enactments are styled as Acts. In England Rules issued by the Secretary of State under authority delegated under an Act are styled Regulations

3) In Br. India with the Reform Act of 1833, the Governor General of Bengal & the Governors of Madras

P.P 83-84, Govt. of India

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

V 2

File No. of 193 . General and Revenue Secretariat

Bombay were empowered to make and issue rules, ordinances and regulations.

Besides these there were the English Acts expressly extended to India.

4) The Act of 1833 vested the legislative power of the Indian Govt in Gen. in council who had been empowered until to pass legislative measures.

5) Laws made under this Act of 1833 were known as Acts & took the place of Regulations.

6) The distinction came before to be in the fact that Regulations were more in the nature of rules issued by the executive

7) The 1861 Act of Parl. extended to Bombay. The term Regulations was used

3

Serial No.

in regard to the laws subsequently passed, probably to distinguish them from the pre-existing Acts. Further Regs. affecting the pre-existing laws had to be consented to by the Govr. in council. This restriction has now been taken away

~~by other Regs. of 1907, viz. "Regulations"~~

By the re-establishment of Regs. etc. in 1907 the Regs. were being made by the executive. The term "Regulation" might have been appropriate then. In 1907 a Legis. Co. was established for making Laws and Regulations. The responsibility in Legislation rests ultimately with His Highness this is secured by the provision that no

NOTE—Contn Sheet.

WD 03594—GPR—30,000—13-7-35

4 4

File No. of 193 General and Revenue Secretariat

Bill passed by the Legislature shall become law when it receives the assent of His Highness. As the machinery of the Legislature is provided for making laws, it seems that the term "Act" may be more appropriate as in Br. India.

4) But "Enactment" is defined in the General Clauses Regn. 1894 as including (a) Regulation, (b) an Act of the Govt of India in Council or of a local legislature hitherto in force in (c) Rules published as law in Mysore or (d) any provision contained in any of these.

"Regulation" is defined as meaning a Regulation passed by the Maharaja.

Serial No.

If the term "Act" is to be adopted the G. Clauses Regn. will have to be amended on the passing an enactment that "Act" shall be used wherever "Regulation" appears.

(a) Submitted for orders.

Sd.
7/7/37
7/7/37

" Dewan's query on the 'Madras Mail' kept below."

(1) The difference between 'Regulation' and 'Act' lies in the fact that an Act is a piece of legislation and is law while a Regulation is a measure not passed by the Legislature but is a measure amounting to law passed by the Executive Government. An Act is the complete formally declared will of the Legislature and is synonymous with the Statute. A Regulation is therefore a non-legislative enactment. (Please see The Constitutional Law of India and England by Messrs Varma and Garekhan, page 178) (Subsidiary legislation)

(2) Under the previous Government of India Act, Section 71, the ~~Viceroy~~ Governor General-in-Council was empowered

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

with extraordinary powers to make Regulations. A local Government of any part of British India could have proposed to the Governor-General-in-Council the draft of any Regulation for the peace and good government of that part with reasons for so proposing. Thereupon the Governor-General-in-Council was at liberty to consider the said proposals and on being assented to by the Viceroy, these proposals became Regulations and had the force of law without legislative sanction. The passing of Regulations without legislative sanction seems to have come into effect from the year 1773 when the Regulating Act was passed. By the Act of 1813 such powers were given to several local Governments and one of these Regulations passed in 1817 empowered the Government of Bombay to incarcerate Mr. Gandhi in 1930. In 1853, the first Legislative Council was introduced in India by the Act of 1853. Since then, the enactments of Councils are called Acts. In Mysore we are accustomed to call our enactments as 'Regulations' for the reason that till 1907 there was no Legislative Council in Mysore and the enactments were passed by the Executive Government with the sanction of His Highness the Maharaja The word 'Regulation' has therefore been defined in the General Clauses Regulation of 1899 as a Regulation passed by the Maharaja. These

245 P 837

7 7

Serial No.

DEWAN'S OFFICE
13 JULY 1937
No. 245

enactments, which before the introduction of the Legislative Council were called Regulations, have continued to be called as such even after the introduction of the Legislative Council. Since our State has now a Legislative Council, there may not be any objection to calling our enactments also as Acts instead of Regulations. The Cochin Government have changed their Regulations into Acts on the ground that an 'Act' is a modern term used in all enactments by progressive administrations. In Baroda, Hyderabad (Deccan), Indore, the enactments are called Acts while in Pudukotah and Travancore they are still known as Regulations. To show that our enactments are the products of the Legislative Council, we may also use the word 'Act' rather than the word 'Regulation'.

13) There are two ways of doing this. One is by means of a Proclamation by His Highness the Maharaja, as is done in Cochin. Under Section 16 of the Legislative Council Regulation, XIX of 1923, the prerogative right of His Highness to make and pass Regulations independently of the Council remains unaffected. The Proclamation will have the effect of legislative sanction and wherever the word 'Regulation' is used, the word 'Act' can be substituted. Or, we may introduce legislation by bringing in a bill to the effect that the word 'Regulation' shall be replaced by the word Act' in all the enactments in force in Mysore.

4/5
This could have been stated a little more clearly also.
MK 14/7
I regret the omission. This will be submitted to Hon'ble Dewan
NOTE—Contn. Sheet.
Dy 14/7

Dewan 14) Let us consider this matter again a couple of months hence. "Act" is no doubt a more appropriate term
Dy 13.7.37
MK 14/7 Dy 15/7

85 Use of term "Chief" for Regulation

VII-245/P

File No. of 193 . | General and Revenue Secretariat

(1st member) (5) If the change is to be made, I prefer a short amendment being brought in, to that effect-

hg 14.7

hg 15/7

MS 15.7.37

16

Resumed. for orders

reference to para 14 supra

hg 16-7

SG 16/9/37

OFFICE OF THE FIRST MEMBER OF COUNCIL
14 JULY 1937
No 396

DEWAN'S OFFICE
7 OCT. 1937
No. 2416

put the up 2 months hence hg 16-7

Sec B Rk 15-9-37

(Dewan) 17th. Please put up a draft Proclamation by 1-11

hg 2.10.

S/10 — 8/10

MS 8/10

hg 9.10

18

Submitted. with a draft proclamations 19 as revised.

SG 12/10 Typed draft submitted

NOV 8.11.

OFFICE OF THE FIRST MEMBER OF COUNCIL
NOV 10 1937
No 2892

OFFICE OF THE FIRST MEMBER OF COUNCIL
NOV 10 1937
GENERAL SECRETARIAT
9 NOV. 1937
2577

20) Accepted. A draft proclamation and a draft bill are both submitted for consideration. Accepts & recommends enactment in accordance with Report dated 9.11.37

hg

9/11

(1st member) (thro' Gen Secy)

21 The proclamation may be

2771

Designating Regulations" as Acts 9

General & Revenue Secretariat. | File No. | of 193 | [App. F. III–2

Serial No.

approved -
Please submit to
2nd member & The Dewan on return

10/11 2nd

Sd/- 10/11/37

Sd/- Member)

VJ Nil
11/11/37 hg 10.11

3029

24 Jo hath for his approval.

Dewan)

BJ
13-11-37

25
Br. DSN xxx 2nd 15/11/37)

hg
15.11

GENERAL SECRETARY. 17 NOV 1937

26.
D. S. N Secd

Sd/- 16/11 Dewan) 2nd 17/11/37 hg 17.11

DSK.

hg hg
17.11

Dewan)

NOTE—Contn. Sheet.

10

Submitted to His Highness.

27 At present all the enactments passed in Mysore since 1881, are designated "Regulations". That designation may have been appropriate when there was no Legislative Council. Now that there is a Legislative Council established by Statute and enactments passed are generally the declared will of the Legislature, the term "Acts" appears to be more appropriate for designating the enactments. This is also in consonance with the practice of progressive administrations.

28 It is proposed to call all the enactments existing and to be enacted in future "Acts" instead of "Regulations" by the issue of a proclamation under the command of His Highness as in the draft submitted. The Members of Council have agreed to this proposal and I solicit the gracious approval of His Highness to this proclamation.

Mirza M. Ismail

DEWAN.

Bangalore,

17th November 1937.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proclamation designating "Regulations" as "Acts".

Chief Secy
MS
20/11/37

29

Order.

KRH
28/11/37

279

MS
22.11.37

H.H. 96. 274/12

General and Revenue Secretariat

SUBJECT:- Proclamation designating "Regulations" as "Acts".

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

General Department. 29/11

FIRST MEMBER OF COUNCIL. (a len.)

3892
22.11.37

SECOND MEMBER OF COUNCIL. 23/11/37

Gen. Secy. with Compliments

23.11.37

29/11

NOTE.—Contn. sheet.

271. 13

Stating "Regulations as Act"

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

GENERAL SECRETARY. 29 NOV. 1937 29b1

30 Copies of the Proclamation are put up.
31 It has to issue under the signature of H. E. with the Seal.
Sd
26/11. (Sent for orders.
Sd
26/11
32 Will Supdt please speak to me?
Sd
27.11
Sd

33 Sent with the printed Official papers connected with the Constitutional Developments of 1923.
It is seen from the Secretariat note that the proclamation was signed for H. E's gracious approval and the Private Secy to H. E wrote that H. E approved of the draft proclamation
It is not known if the proclamation was returned with the Seal

Asked by Secy to note about the procedure adopted in 1923.
Sd

Sd x

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

14

2711

Designating "Regulations as "Acts"

Kyg's File No. of 193 | General and Revenue Secretariat

and sign manual of H.H.
The proclamation may however for ease of issue under sign manual.
Submd. for orders

SG
1/12/37

JS The necessary corrections with the issue of proclamation giving enhanced powers to RAVLC on 27.10.1923 cannot be traced in spite of diligent search since then no other proclamation seems to have been issued. As the draft proclamation put in the file has the approval of His Highness it is for orders whether it can be issued now.

Gen Secy) This may be approved
Hd 4.12
Hd 7/12
Hd 7.12
MS 7/12
Hd 7.12
Hd 7.12

This ch Secy
First Member

Dewan)

JP 8/12

MS 9-12-37

Issued Hd 10.12
MS 10/12/37

SEWAN'S OFFICE
9 DEC. 1937
No. 3815

H. H.

GENERAL SECRETARY
7 DEC. 1937
3229

OFFICE OF THE
FIRST MEMBER OF COUNCIL
DEC 8 1937
No. 3243

OFFICE OF THE
FIRST MEMBER OF COUNCIL
10 DEC. 1937
No.

2711 15

Designation of Regn as Act

General and Revenue Secretariat | Dy. File No. 15 of 1937. | [App. F. III—2

Serial No.

Send with a draft order directing the publication of the proclamation.

SG 10/12 issued by 10.12

G.O.No.P 3030 dy 11/12/37 ordering the publication of the proclamation.

Send with a draft forwarding copies to Regn & Legislature

SG 3/1/38 issued by

Send No P 335 & 31/1/1 & Pol. 720 dy 4/1.

INWARD SECTION 1 JAN 1938 GEN. & REV. SECTT.

Attested 12.1.38 TYPING SECTION

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-5-37

G. R. S. VI.—8-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legn.
File No. 15-37
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. P3050./Ecn.,

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191* .

Ordered that the accompanying.....

Rules.....

.....

~~which received the assent~~ of His Highness the Maharaja, ~~on the~~.....

Date of issue.....11.12.37

~~day of~~.....~~191~~ ,

Signed by.....Sm A.S.R.

be published ~~as Regulation No.~~.....

~~of 191~~ , in the *Mysore Gazette* for general information.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

10.12

for C. *Secretary to Government.*

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ II of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and ~~.....spare copies~~ as in the case of Regns in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

copy to Translation Section

~~DRAFT~~ PROCLAMATION.

Of His Highness the Maharaja Sri Krishnarajendra Wadiyar Bahadur IV of Mysore, This — day of Kartika Bahula of the Eswara Samvatsara being the year one thousand eight hundred and Sixty of the Salivahana Era corresponding to the — — day of November one thousand nine hundred and Thirty seven.

This day of 193

Whereas it is deemed appropriate that all enactments in ~~My~~ State hitherto called "Regulations" shall be styled "Acts".

I hereby ordain that all enactments passed hitherto and styled as Regulations and all enactments that may be passed hereafter, shall be called "Acts"

The word "Act" shall be substituted for the word "Regulation" wherever it occurs in any enactment in force in this State and is used to denote an enactment.

hw
10/11/37

hg
9-11

Proceedings of the Government of His Highness
the Maharaja of Mysore.

ORDER NO. P 3050 Legs 15-37-1
Secl II

Dated, Bangalore, the 11th December 1937

Ordered that the accompanying Proclamation of His Highness the Maharaja be published in the Mysore Gazette for general information.

11/12

For General Secretary to Government.
Sg

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English, and ~~in~~ spare copies in Kannada to this office, as in the case of Regulations. Proofs should be sent to this office for approval before publication.

Proclamation of His Highness the Maharaja Sri Krishnarajendra Wadiyar Bahadur IV of Mysore, this Second day of Kartika Bahula of the Viswavasu Samvatsara being the year one thousand eight hundred and sixty of the Salivahana Era corresponding to the twentieth day of November one thousand nine hundred and thirty seven

Whereas it is deemed appropriate that all enactments in My State hitherto called "Regulations" shall be styled "Acts":

I hereby ordain that all enactments passed hitherto and styled "Regulations" and all enactments that may be passed hereafter, shall be called "Acts"

The word "Act" shall be substituted for the word "Regulation" wherever it occurs in any enactment in force in the State and is used to denote an enactment.

Krishnaraja Wadiyar

PROCLAMATION

OF HIS HIGHNESS THE MAHARAJA SRI KRISHNARAJENDRA WADIYAR BAHADUR IV OF MYSORE, THIS SECOND DAY OF KARTIKA BAHULA OF THE ESWARA SAMVATSARA BEING THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY OF THE SALIVAHANA ERA CORRESPONDING TO THE TWENTIETH DAY OF NOVEMBER ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN.

WHEREAS it is deemed appropriate that all enactments in MY State hitherto called "Regulations" shall be styled "Acts":

I hereby ordain that all enactments passed hitherto and styled "Regulations" and all enactments that may be passed hereafter shall be called "Acts".

The word "Act" shall be substituted for the word "Regulation" wherever it occurs in any enactment in force in the State and is used to denote an enactment.

Seal.

KRISHNARAJA WADIYAR.

Printed by the Superintendent at the Government Press, Bangalore.

6

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No Pol 720 Confd 9 *Dated, Bangalore,* 3rd January 1908.

From

M.Venkatesa Iyengar, Esq., B.A.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

I am directed to forward herewith 9 copies of the Proclamation of His Highness the Maharaja changing the designation of enactments in force in Mysore from Regulation" to "Acts".

I have the honor to be,

Sir,

Your most obedient servant,

For General Secretary to Govt.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 3rd January 1938.

No. F 3352
Gen. Sec.

From

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Judicial Secretary to the Government
of His Exalted Highness the Nizam of Hyderabad.

Sir,

I am directed to forward herewith 2 copies of the Proclamation of His Highness the Maharaja changing the designation of enactments in force in Mysore from -- "Regulation" to "Acts"

I have the honor to be,

Sir,

Your most obedient servant,

for General Secretary to Govt.

c.n.2

8

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

No. M 720 [illegible]

Diary No. of letter replied to.....

To

1) The Secy to the Govt
the Revenue
Sir (2) The Govt Secy to the
Govt of H.E.H the Nizam
I am directed

General and Revenue Secretariat

( ) No. P 3352/Revn
6.4.38.

the *193* .

to forward herewith

Date of issue 14th January 1938.

1) 9 copies of the
2) 2 copies
Proclamation of H.H
The Maharaja Changing
the designation of
enactments in force in Mysore
or Regulation" to "Act"

Signed by Mr K Ramaswamy Ayyangar

I have the
honour to be
Sir
Your most obedient
servant
for Rl. Secy

List of enclosures.....

64

Copied by .....

Examined by.....

Appendix F G—1]

SUBJECT .....

.....

.....

Section Legis.
File No. 15-37
Serial No. 2

P. O.
No. P 2162

Diary No. of letter replied to.....

To

The Secy to the
Legislative Council
Ernakulam
(Cochin)

General and Revenue Secretariat

( )

the *193*

Sir

Date of issue 25.10.37

I am directed to request you to kindly forward a copy of the publication issued in June 1937 by the Maharaja of Cochin announcing that all enactments passed in Cochin should be called "Acts

Signed by Mr. A.S.R.

List of enclosures.....

Copied by .....

Examined by.....

for Secy to Govt
19.10
Secy to Govt
Chief

6 274/37

THE GOVERNMENT OF COCHIN

No. L.Dis.4448/13.

THE HUZUR SECRETARIAT,
ERNAKULAM,
Dated 29th October 1937.

Legis 15-37-3

From

M. R. Ry. B. V. KRISHNANKUTTY MENON Avl., B. A. & B. L.,
Ex-officio Secretary to the Legislative Council.

To

CHIEF SECRETARY. 5. NOV. 19 GOVT. OF MYSORE.

The Secretary,
General and Revenue Secretariat,
B A N G A L O R E.

Dear Sir,

Reference:- Your letter P.2142 dated 25th October 1937.

I have the honour to forward a copy of the Proclamation No.V of 1112 as desired in your letter referred to above.

I have the honour to be,
Sir,
Your most obedient servant,

Legislative Council Secretary.

I/G.P.29.

PROCLAMATION

(V OF 1112).

BY HIS HIGHNESS SIR SREE RAMA VARMA, G. C. I. E.,
MAHARAJA OF COCHIN.

Issued under date the 12th day of Mithunam 1112
corresponding to the 26th day of June 1937.

Whereas it is deemed desirable that all enactments in Our State heretofore called " Regulations " shall be styled " Acts "

We are hereby pleased to command as follows:—

1. All enactments heretofore passed or that may hereafter be passed and heretofore styled " Regulations " shall be called " Acts "

2. The word " Act " shall be substituted for the word " Regulation " in all the enactments heretofore passed wherever the latter word is used to denote an enactment heretofore styled " Regulation ".

SIGN MANUAL.